



ATTORNEY'S DOCKET NUMBER: 2002850-0024 (S01-503)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Botstein, *et al.* Examiner:  
Serial No: 09/916,849 Art Unit: 1645  
Filing Date: July 26, 2001  
Title: Basal Markers in Breast Cancer and Related Reagents and Uses Thereof

Assistant Commissioner for Patents  
Box Missing Parts  
Washington, DC 20231

Sir:

**PETITION TO INCLUDE COLOR FIGURES UNDER 37 C.F.R. 1.84(a)(2)**

Applicant requests that color figures be accepted with this application. Three of the color figures (Figs. 3, 6, and 7) are micrographs of sections of tissue stained with certain histological stains and antibodies, including certain antibodies of the invention. The stains cause the tissue to adopt specific colors indicating presence of certain tissue characteristics and components that may be present in the tissue. The colors convey features of the invention to one skilled in the art. The fourth color figure (Fig. 2) represents a dendrogram that shows relationships between different clusters of genes, represented by different colors. The colors significantly assist one or ordinary skill in the art to easily understand the invention. Three (3) copies of each color figure and one (1) black and white photocopy of each color figure are included.

Please amend the specification of the application as follows to contain the statement required by 37 C.F.R. §1.84(a)(2)(iii):

**Amendment Under 37 C.F.R. §1.84(a)(2)(iii)**

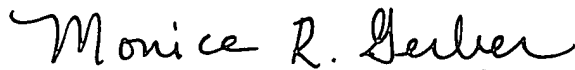
In the specification

On page 13, at line 18, below the heading "Brief Description of the Drawing", please insert the following paragraph:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

Please charge the \$130.00 petition fee and any additional fees associated with this filing, or apply any credits, to our Deposit Account No. 03-1721.

Respectfully submitted,



Monica R. Gerber, M.D., Ph.D.

Registration Number 46,724

Choate, Hall & Stewart  
Exchange Place  
53 State Street  
Boston, MA 02109  
(617) 248-5000  
Dated: June 17, 2002

3408594\_1.DOC

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner For Patents, Washington, D.C. 20231 on 6/17/02

